

Message Text

SECRET

PAGE 01 MOSCOW 14364 01 OF 02 081713Z

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TO SECSTATE WASHDC IMMEDIATE 5305

S E C R E T SECTION 1 OF 2 MOSCOW 14364

EXDIS

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TAGS: PARM, US, UR

SUBJ: TTBT/PNE NEGOTIATIONS: SOVIET DRAFT PROTOCOL ARTICLES

TTBT/PNE DELEGATION MESSAGE NO. 35

1. PROPOSED SOVIET TEXT OF COMPLETE SET OF PROTOCOL ARTICLES
HANDED OVER BY SAFRONOV AT WORKING GROUP MEETING, OCTOBER 8,
FOLLOWS:

PREAMBLE

THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED
STATES OF AMERICA, HEREINAFTER REFERRED TO AS THE PARTIES,

GUIDED BY THE NECESSITY TO PROVIDE ASSURANCE OF COM-
PLIANCE WITH THE PROVISIONS OF THE TREATY ON UNDERGROUND
NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES, HEREINAFTER
REFERRED TO AS THE TREATY, AND

ANXIOUS TO DEVELOP COOPERATION BETWEEN THE PARTIES,

HAVE AGREED AS FOLLOWS:

ARTICLE I

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SECRET

PAGE 02 MOSCOW 14364 01 OF 02 081713Z

1. FOR THE PURPOSES OF THIS PROTOCOL:

A) "DESIGNATED PERSONNEL" MEANS THOSE NATIONALS OF THE OTHER PARTY IDENTIFIED TO THE PARTY CARRYING OUT AN EXPLOSION AS THE PERSONS WHO WILL EXERCISE RIGHTS AND FUNCTIONS PROVIDED FOR IN THE TREATY;

B) "EMPLACEMENT HOLE" MEANS ANY DRILLED HOLE OR MINED SHAFT OR TUNNEL IN WHICH THE EXPLOSIVE AND ASSOCIATED CABLES AND OTHER EQUIPMENT ARE TO BE INSTALLED.

2. NO INDIVIDUAL OR SINGLE EXPLOSION IN A GROUP SHALL TAKE PLACE AT A DISTANCE FROM THE NEAREST GROUND SURFACE LESS THAN 30 METERS TIMES THE THREE POINT FOUR ROOT OF ITS PLANNED YIELD IN KILOTONS.

ARTICLE II

1. FOR EACH EXPLOSION AND PRIOR TO IT THE PARTY CARRYING OUT AN EXPLOSION SHALL PROVIDE THE OTHER PARTY WITH A STATEMENT WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

A) THE FACT THAT AN EXPLOSION IS PLANNED;

B) THE PURPOSE OF THE EXPLOSION;

C) THE TYPE OF TYPES OF ROCK IN WHICH THE EXPLOSION WILL OCCUR, INCLUDING WATER SATURATION OF THE ROCK AT THE POINT OF EMPLACEMENT OF EACH EXPLOSIVE;

D) THE PLACE (GEOGRAPHICAL COORDINATES WITH A PRECISION OF A SECOND OF LATITUDE AND LONGITUDE OF THE CENTER OF THE EXPLOSION), PLANNED DATE AND YIELD OF THE EXPLOSION;

E) A DESCRIPTION OF SPECIFIC TECHNOLOGICAL FEATURES OF THE PROJECT, OF WHICH THE EXPLOSION IS A PART, WHICH CAN INFLUENCE THE CORRECT IDENTIFICATION OF ITS YIELD, INCLUDING WITH RESPECT TO EACH EXPLOSION WHICH IS TO HAVE A YIELD OF 50 KILOTONS OR MORE FOLLOWING DATA SHALL BE PROVIDED FOR EACH INDIVIDUAL OR SINGLE EXPLOSION: GEOGRAPHICAL COORDINATES (WITH A PRECISION OF A SECOND OF LATITUDE AND LONGITUDE),

SECRET

SECRET

PAGE 03 MOSCOW 14364 01 OF 02 081713Z

DEPTH OF BURIAL (WITH A PRECISION OF A METER), TIME DIFFERENCE BETWEEN INDIVIDUAL EXPLOSIONS IN A GROUP (WITH A PRECISION OF A TENTH OF A SECOND) AND PLANNED YIELD;

F) A DESCRIPTION OF SPECIFIC FEATURES OF THE GEOLOGICAL STRUCTURE OR OTHER LOCAL CONDITIONS WHICH COULD INFLUENCE THE CORRECT IDENTIFICATION OF THE YIELD, INCLUDING WITH RESPECT TO EACH EXPLOSION WHICH IS TO HAVE A YIELD OF 75 KILOTONS OR

MORE FOLLOWING ADDITIONAL DATA SHALL BE PROVIDED: A STRATIGRAPHIC COLUMN FOR EACH INDIVIDUAL OR SINGLE EXPLOSION; THE POSITION OF EACH EMPLACEMENT POINT RELATIVE TO NEARLY GEOLOGICAL AND OTHER FEATURES; THE PHYSICAL PARAMETERS OF THE ROCK, AVERAGED OVER THE VOLUME WITHIN A SPHERE CENTERED ON THE EMPLACEMENT POINT AND HAVING A RADIUS EQUAL TO 30 METERS TIMES THE CUBE ROOT OF THE PLANNED YIELD OF THE INDIVIDUAL OR SINGLE EXPLOSION IN KILOTONS, INCLUDING DENSITY, SEISMIC VELOCITY, POROSITY, WATER SATURATION AND ROCK STRENGTH; THE DEPTH TO THE WATER TABLE.

2. AFTER CARRYING OUT EACH EXPLOSION THE PARTY CARRYING OUT AN EXPLOSION SHALL PROVIDE THE OTHER PARTY WITH A STATEMENT WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

A) THE ACTUAL TIME (WITH A PRECISION OF A MILLISECOND) OF THE FIRST DETONATION, AND THE YIELD OF THE EXPLOSION;

B) THE ACTUAL TIME (WITH A PRECISION OF A MILLISECOND) AND THE YIELD OF EACH INDIVIDUAL EXPLOSION WHEN THE DISTANCE BETWEEN THE POINTS OF EMPLACEMENT OF ANY TWO EXPLOSIVES EXCEEDS 3 KILOMETERS;

C) CONFIRMATION OF OTHER INFORMATION PROVIDED IN ACCORDANCE WITH PARAGRAPH 1 OF THIS ARTICLE AND EXPLANATION OF INCONSISTENCIES BETWEEN PRE-EXPLOSION AND POST-EXPLOSION INFORMATION.

ARTICLE III

1. THE PARTY CARRYING OUT AN EXPLOSION SHALL PROVIDE THE OTHER PARTY WITH STATEMENTS CONTAINING THE INFORMATION PROVIDED FOR IN ARTICLE II OF THE PROTOCOL:

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SECRET

PAGE 04 MOSCOW 14364 01 OF 02 081713Z

A) ON SUBPARAGRAPHS A), B) AND D) OF PARAGRAPH 1 - NOT LATER THANDAYS BEFORE THE START OF CONSTRUCTION OF AN EMPLACEMENT HOLE, IN SUCH A VOLUME AND WITH SUCH A DEGREE OF PRECISION WHICH ARE AVAILABLE TO THE PARTY CARRYING OUT AN EXPLOSION AT THE MOMENT OF PREPARING THE SAID STATEMENT;

B) ON PARAGRAPH 1 IN FULL VOLUME - NOT LATER THAN DAYS BEFORE THE EXPLOSIONS;

C) ON PARAGRAPH 2 IN FULL VOLUME - NOT LATER THAN ... DAYS AFTER THE EXPLOSION.

2. THE PARTY CARRYING OUT AN EXPLOSION PRIOR TO THE EXPLOSION SHALL PROVIDE THE OTHER PARTY WITH TIMELY STATEMENTS

OF CHANGES IN THE INFORMATION PROVIDED IN ACCORDANCE WITH
PARAGRAPH 1 OF ARTICLE II.

3. THE PARTY CARRYING OUT AN EXPLOSION MAY BE REQUESTED BY
THE OTHER PARTY TO CLARIFY ANY ITEM OF INFORMATION PROVIDED
IN ACCORDANCE WITH ARTICLE II. SUCH REQUEST MAY BE MADE AT
ANY TIME AFTER THE INFORMATION HAS BEEN PROVIDED BY THE PARTY
CARRYING OUT AN EXPLOSION, BUT NOT LATER THAN ONE YEAR AFTER
THE EXPLOSION. THE REQUESTED CLARIFICATION OF THE INFORMATION
SHALL BE PROVIDED AS SOON AS PRACTICABLE AND IN ANY CASE NOT
LATER THAN 30 DAYS AFTER THE DATE OF THE REQUEST.

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PAGE 01 MOSCOW 14364 02 OF 02 081725Z

42

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CIAE-00 DODE-00 INRE-00

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S E C R E T SECTION 2 OF 2 MOSCOW 14364

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ARTICLE IV

1. THE PARTY CARRYING OUT AN EXPLOSION SHALL INVITE
DESIGNATED PERSONNEL OF THE OTHER PARTY;

A) IN CASE OF CARRYING OUT ANY EXPLOSION HAVING A
PLANNED YIELD EXCEEDING 150 KILOTONS;

B) IN CASE OF CARRYING OUT AN EXPLOSION HAVING A PLANNED
YIELD EXCEEDING 100 KILOTONS IF THE PARTY CARRYING OUT AN
EXPLOSION CONSIDERS IT NECESSARY FOR CORRECT IDENTIFICATION
OF THE YIELD OF THE EXPLOSION.

2. DESIGNATED PERSONNEL SHALL EXERCISE THE FOLLOWING FUNCTIONS:

A) CONFIRM BY MEANS OF OBSERVATION AT THE SITE THE STATED PEACEFUL PURPOSE OF THE PROJECT;

B) CONFIRM ON THE BASIS OF THE RESULTS OF MEASUREMENTS AT THE SITE THAT THE YIELD OF THE EXPLOSION DOES NOT EXCEED THE AGREED LIMIT;

C) CONFIRM THE GEOLOGICAL AND GEOPHYSICAL INFORMATION AS WELL AS OTHER INFORMATION PROVIDED IN ACCORDANCE WITH ARTICLE II OF THE PROTOCOL.

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PAGE 02 MOSCOW 14364 02 OF 02 081725Z

3. IN EXERCISING THE FUNCTIONS PROVIDED FOR IN PARAGRAPH 2 OF THIS ARTICLE DESIGNATED PERSONNEL SHALL HAVE THE RIGHT TO:

A) ARRIVE TO THE SITE OF THE EXPLOSION ...DAYS BEFORE THE EMPLACEMENT OF THE EXPLOSIVE;

B) WITNESS THE EMPLACEMENT OF THE EXPLOSIVE OR EXPLOSIVES AND OBSERVE THE EXPLOSION;

C) ASCERTAIN BY MEANS OF MEASURING SEISMIC GROUND SHOCK VELOCITY WITH THE HELP OF THE EQUIPMENT OF THE PARTY CARRYING OUT AN EXPLOSION THAT THE YIELD OF AN INDIVIDUAL EXPLOSION IN THE GROUP DOES NOT EXCEED THE AGREED LIMIT; (COMMENT: AFTER MEETING NOVIKOV AND KOVALEV SAID THAT PHRASE "SEISMIC GROUND SHOCK VELOCITY" SHOULD BE REPLACED BY PHRASE "THE VELOCITY OF THE GROUND SHOCK WAVE". END COMMENT.)

D) ASCERTAIN WITH THE SEISMIC EQUIPMENT OF THE PARTY CARRYING OUT AN EXPLOSION THAT THE NUMBER OF INDIVIDUAL EXPLOSIONS CORRESPONDS TO THE STATED NUMBER;

E) ASCERTAIN ON THE BASIS OF THE DATA OF MEASUREMENTS AND STUDIES BY THE PARTY CARRYING OUT AN EXPLOSION THE VALIDITY OF THE INFORMATION PROVIDED TO THE OTHER PARTY IN ACCORDANCE WITH ARTICLE II OF THE PROTOCOL;

F) REQUEST AND RECEIVE FROM THE PARTY CARRYING OUT AN EXPLOSION PHOTOGRAPHS OF THE AREA OF THE EXPLOSION OR A PART OF IT;

G) LEAVE THE SITE OF THE EXPLOSION AT ANY TIME BUT IN ANY CASE NOT LATER THAN ...DAYS AFTER THE EXPLOSION.

4. DESIGNATED PERSONNEL SHALL NOT HAVE THE RIGHT TO REQUEST

INFORMATION CONCERNING THE DESIGN OF EXPLOSIVES, EQUIPMENT FOR VERIFICATION AND FIRING SUCH EXPLOSIVES, AS WELL AS NOT TO HAVE THE RIGHT TO OBTAIN SUCH INFORMATION WITH THE HELP OF TECHNICAL MEANS OR VISUALLY OR REQUEST ACCESS TO ANY DOCUMENTATION, MATERIALS AND INSTRUMENT STRUCTURES WHICH CAN GIVE SUCH INFORMATION. LIKEWISE DESIGNATED PERSONNEL SHALL NOT HAVE

SECRET

SECRET

PAGE 03 MOSCOW 14364 02 OF 02 081725Z

THE RIGHT TO REQUEST INFORMATION ON TECHNOLOGICAL PECULIARITIES OF THE PROJECT.

5. DESIGNATED PERSONNEL SHALL COME TO AN UNDERSTANDING WITH THE PARTY CARRYING OUT AN EXPLOSION ON THE PROGRAMME AND THE SCHEDULE OF THEIR ACTIVITIES WITH RESPECT TO A GIVEN PROJECT.

6. THE NUMBER OF DESIGNATED PERSONNEL SHALL BE DETERMINED IN EACH PARTICULAR CASE BUT SHALL NOT EXCEEDPERSONS.

ARTICLE V

PUBLICATION OF THE INFORMATION PROVIDED IN ACCORDANCE WITH ARTICLE II OF THIS PROTOCOL, OF MATERIALS USING SUCH INFORMATION AS WELL AS OF THE RESULTS OF OBSERVATION AND MEASUREMENTS OBTAINED BY DESIGNATED PERSONNEL MAY TAKE PLACE ONLY BY AGREEMENT WITH THE PARTY CARRYING OUT AN EXPLOSION.

ARTICLE VI

1. THE PARTY CARRYING OUT AN EXPLOSION SHALL ASSURE FOR DESIGNATED PERSONNEL MEANS OF COMMUNICATION WITH THEIR OWN AUTHORITIES, TRANSPORTATION, ADMINISTRATIVE NECESSITIES AND OTHER SERVICES APPROPRIATE TO THEIR PRESENCE AND EXERCISING THEIR RIGHTS AND FUNCTIONS AT THE SITE OF THE EXPLOSION.

2. THE PARTY, CARRYING OUT AN EXPLOSION SHALL HAVE THE RIGHT TO ASSIGN ITS PERSONNEL TO ACCOMPANY DESIGNATED PERSONNEL OF THE OTHER PARTY DURING THEIR PRESENCE AT THE SITE OF THE EXPLOSION.

ARTICLE VII

1. DESIGNATED PERSONNEL SHALL ENJOY FROM THE MOMENT OF ENTERING THE TERRITORY OF THE PARTY CARRYING OUT AN EXPLOSION THE FOLLOWING PRIVILEGES AND IMMUNITIES:

A) PERSONAL INVIOABILITY. DESIGNATED PERSONNEL SHALL NOT BE LIABLE TO ARREST OR DETENTION IN ANY FORM WHATSOEVER. THE PARTY CARRYING OUT AN EXPLOSION SHALL TAKE ALL APPROPRIATE STEPS TO PREVENT ANY ATTACK ON THE PERSON OR FREEDOM OF

SECRET

SECRET

PAGE 04 MOSCOW 14364 02 OF 02 081725Z

DESIGNATED PERSONNEL;

B) THE IMMUNITY FROM THE CRIMINAL JURISDICTION OF THE PARTY CARRYING OUT AN EXPLOSION. DESIGNATED PERSONNEL SHALL ALSO ENJOY IMMUNITY FROM CIVIL AND ADMINISTRATIVE JURISDICTION;

C) THE RIGHT NOT TO GIVE EVIDENCE AS A WITNESS;

D) THE INVIOABILITY OF THE ARCHIEVES AND DOCUMENTS AT ALL TIMES AND WHEREVER THEY MAY BE;

E) THE EXEMPTION FROM ALL TAXES, CHARGES AND DUTIES, PERSONAL OR REAL, NATIONAL, REGIONAL OR MUNICIPAL, EXCEPT FOR INDIRECT TAXES OF A KIND WHICH ARE NORMALLY INCORPORATED IN THE PRICE OF GOODS OR SERVICES AS WELL AS FROM THE CHARGES LEVIED FOR SPECIFIC SERVICES RENDERED;

F) THE INVIOABILITY OF OFFICIAL AND LIVING QUARTERS.

DESIGNATED PERSONNEL SHALL, WITHOUT PREJUDICE TO THEIR PREVELEGES AND IMMUNITIES, BE UNDER AN OBLIGATION TO RESPECT THE LAWS AND REGULATIONS OF THE PARTY CARRYING OUT AN EXPLOSION.

2. THE PARTY CARRYING OUT AN EXPLOSION SHALL BE EXEMPT FROM INDEMNIFYING FOR DAMAGE WHICH MAY BE CAUSED TO DESIGNATED PERSONNEL AS A RESULT OF LOSS, INJURY OR DEATH, ARISING OUT OF THE CONDUCT OF EXPLOSIONS.

COMMENT: THE MISSPELLINGS OCCUR IN THE RUSSIAN TEXT.
END COMMENT.)
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